

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

In re:	§	
	§	Chapter 7
	§	
ASTRALABS, INC.	§	Case No. 23-10164-SMR
Debtor	§	
	§	

**OBJECTION TO APPLICATION TO EMPLOY GAMMA CONSULTING, LLC  
TO PROVIDE TRANSITION CONSULTING SERVICES TO AND FOR THE ESTATE**

COME NOW Thomas Dolezal, Matthew Kelly, Hasan Ugur Koyluoglu and Casey Melcher and file this Objection to Application to Employ Gamma Consulting, LLC to Provide Transition Consulting Services to the Estate and would show as follows:

1. The Trustee has requested permission to employ Gamma Consulting, LLC to Provide Transition Consulting Services to the and for the Estate. The principal of Gamma Consulting, LLC is Kerstin Hadzik. Ms. Hadzik served as interim CFO of the Debtor for approximately nineteen (19) days before the case was converted.

2. The Objecting Parties object to Gamma's employment on the following grounds:

- (a) Gamma Consulting may not be disinterested;
- (b) Gamma Consulting may not be qualified;
- (c) The rate to be charged by Gamma Consulting is excessive; and
- (d) The employment may not be necessary.

3. Ms. Hadzik was employed as interim chief financial officer and paid a retainer of \$10,000. No application was filed to employ Ms. Hadzik and she has not filed a fee application. According to Ms. Hadzik, Gamma is a "turnaround consulting firm specializing in providing

outsourced chief financial officer services.” This would appear to be a professional requiring court approval, a point that is reinforced by the fact that the Trustee seeks to employ Ms. Hadzik’s firm as a professional. The Trustee has a colorable claim to recover the \$10,000 paid to Ms. Hadzik as an unauthorized post-petition transfer pursuant to 11 U.S.C. §549. As a result, she is not disinterested.

4. Additionally, based on information and belief, the Debtor’s management fragmented into factions during the final weeks of the Chapter 11 case. Upon information and belief, Ms. Hadzik sided with the Joe Merrill faction against the Andrew Ryan faction. Upon further information and belief, Ms. Hadzik has continued to communicate with the Merrill faction since conversion and has divided loyalties.<sup>1</sup>

5. Paragraphs 21 and 22 of the Declaration of Kerstin Hadzik state that because of Gamma’s extensive business operations it might be doing business with some of the creditors and parties in interest without being aware. This seems like an oddly hedged disclosure for a small firm that was formed in 2022.<sup>2</sup>

6. Gamma may lack the necessary qualifications to serve a consultant. According to the Utah Secretary of State, Gamma’s corporate status is “delinquent” due to “failure to file renewal” as shown by Exhibit A. Ms. Hadzik states that she holds a Bachelor of Science Degree from Utah State University. When Utah State University was asked to confirm this degree, it stated that “Kerstin Topham has not earned any degrees from Utah State University” as shown by Exhibit

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<sup>1</sup> Objectors’ information and belief is based on statements made by Andrew Ryan. While Mr. Ryan has been criticized by this Court and others, the seriousness of the allegation requires further scrutiny before Ms. Hadzik’s firm is employed as an estate professional.

<sup>2</sup> In fairness, this language was probably copied from the Declaration submitted by Reid, Collins & Tsai. However, the fact that it was submitted under penalty of perjury shows a lack of care.

B. Assuming that Kerstin Topham is the same person as Kerstin Hadzik, this raises a question about her professional qualifications.

7. Gamma Consulting seeks to be employed at a rate of up to \$250.00 per hour. See Services Agreement. This rate appears excessive. The Services Agreement also appears to reduce the period for interim fee applications from 120 days to 30 days.

8. Finally it is not clear that Gamma's services are required. Upon information and belief, Mr. Nihar Patel has offered to provide similar services to the Trustee without charge.

Respectfully submitted,

BARRON & NEWBURGER PC  
7320 N. MoPac Expressway, Ste. 400  
Austin, Texas 78731  
Telephone: (512) 649-3243

By /s/ Stephen Sather  
Stephen Sather  
State Bar No 17657520  
ATTORNEY FOR OBJECTING PARTIES

### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served by electronic mail transmission or first class mail to the following parties by on July 21, 2023:

Kerstin Hadzik  
Gamma Consulting, LLC  
By email: [Kerstin.hadzik@outlook.com](mailto:Kerstin.hadzik@outlook.com)

Cleveland R Burke  
Holland & Knight  
100 Congress Avenue  
Ste 1800  
Austin, TX 78701  
[cleveland.burke@hklaw.com](mailto:cleveland.burke@hklaw.com)  
representing Capitol Vending and Coffee Company

Lisa C. Fancher  
Fritz Byrne, PLLC  
221 W 6th St  
Ste 960  
Austin, TX 78701  
[lfancher@fritzbyrne.law](mailto:lfancher@fritzbyrne.law)  
representing 3423 Holdings

Shanna M Kaminski  
Kaminski Law, PLLC  
P.O. Box 247  
Grass Lake, MI 49240  
[skaminski@kaminskilawpllc.com](mailto:skaminski@kaminskilawpllc.com)  
representing Apex Funding Source, LLC

Robert Chamless Lane  
The Lane Law Firm, PLLC  
6200 Savoy Dr, Suite 1150  
Houston, TX 77036  
[chip.lane@lanelaw.com](mailto:chip.lane@lanelaw.com)  
representing ASTRALABS Inc

Ryan Lott  
The Lott Firm, PLLC  
501 Congress Avenue, Suite 150  
Austin, TX 78701  
512-809-6951  
[thelottfirm@gmail.com](mailto:thelottfirm@gmail.com)  
representing Athletes to Athletes, Inc.

Paul David Moak  
Reed Smith  
1221 McKinney Street  
Suite 2100  
Houston, TX 77010  
pmoak@reedsmith.com  
representing AFCO Credit Corporation

Jay Ong  
Munsch Hardt Kopf & Harr, P.C.  
1717 West 6th Street  
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Austin, TX 78703  
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representing Randolph N Osherow

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San Antonio, TX 78212  
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(Trustee)

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representing Andrew Ryan

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Texas Comptroller of Public Accounts, Revenue Accounting Division

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3511 Broadway  
San Antonio, TX 78209  
eric@ericterrylaw.com  
representing Eric Terry

Shane P. Tobin

903 San Jacinto Blvd.  
Room 230  
Austin, TX 78701  
shane.p.tobin@usdoj.gov  
representing United States Trustee - AU12

/s/Stephen W. Sather  
Stephen W. Sather

## Exhibit A

## GAMMA CONSULTING LLC

[Update this Business](#)**Entity Number:** 12709758-0160**Company Type:** LLC - Domestic**Address:** 8182 N Round Rock Road Lake Point, UT 84074**State of Origin:****Registered Agent:** Kerstin Hadzik**Registered Agent Address:**

8182 N Round Rock Road

Lake Point, UT 84074

[View Management Team](#)**Status:** [Delinquent](#)[Purchase Certificate of Existence](#)**Status:** Delinquent  as of 03/13/2023**Status Description:** Failure to File Renewal**Employment Verification:** [Not](#) Registered with Verify Utah[History](#)[View Filed Documents](#)**Registration Date:** 02/16/2022**Last Renewed:** N/A[<< Back to Search Results](#)

Business Name:

Give Feedback

**Steve Sather**

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**From:** Andrew Ryan <> Monday, July 17, 2023  
**Sent:** 3:06 PM  
**To:** Ron Satija; Steve Sather  
**Subject:** Fwd: Request Verification #A00572615

Sent from my iPhone

Begin forwarded message:

**From:** Registrar Verifications <verifications@usu.edu>  
**Date:** July 17, 2023 at 2:56:25 PM CDT  
**To:** andrew.ryan@ncastra.com  
**Subject:** FW: Request Verification #A00572615

Kerstin Topham has not earned any degrees from Utah State University. If you have any questions you are welcome to reach out to our office at 435-797-1116.

Thank you,

**Holly Wirth**

Student Services Coord II  
Registrar's Office - Records and Graduation  
Office: (435) 797-1116 | Fax: (435) 797-1110

**From:** Registrar <registrar@usu.edu>  
**Sent:** Friday, July 14, 2023 9:57 AM  
**To:** Registrar Verifications <verifications@usu.edu>  
**Subject:** Fw: Request Verification #A00572615

**Utah State University**

Registrar's Office  
[registrar@usu.edu](mailto:registrar@usu.edu)

1600 Old Main Hill | TSC 246  
Logan, UT 84322-1600  
United States  
[Chat with Big Blue!](#)



**If you are a current student, all email communication with the Registrar's Office MUST be made through your USU email address. Thank you for using your new [A#@usu.edu](mailto:A#@usu.edu) email address when corresponding.**

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**From:** Andrew Ryan <[andrew.ryan@ncastra.com](mailto:andrew.ryan@ncastra.com)>  
**Sent:** Monday, July 10, 2023 9:38 AM  
**To:** Registrar <[registrar@usu.edu](mailto:registrar@usu.edu)>  
**Subject:** Fwd: Request Verification #A00572615

CC: Becca

----- Forwarded message -----

**From:** Andrew Ryan <[andrew.ryan@ncastra.com](mailto:andrew.ryan@ncastra.com)>  
**Date:** Mon, Jul 10, 2023 at 10:06 AM  
**Subject:** Re: Request Verification #A00572615  
**To:** <[verifications@usu.edu](mailto:verifications@usu.edu)>

Good Morning,

I'm emailing to verify that (Kerstin Topham), Kerstin Hadzik did not graduate with a Bachelors in Accounting from Utah State University.

Her A# is A00572615

Andrew